

Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR</p> <p>on <u>December 2, 2005</u></p> <p>Signature <u>Cynthia L. Hayden</u></p> <p>Typed or printed name <u>Cynthia L. Hayden</u></p>		Application Number	Filed
		10/689,325	October 20, 2003
		First Named Inventor	
		Kosei Yamamoto	
		Art Unit	Examiner
		3748	Tu Minh Nguyen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p><u>Timothy N. Trop</u> Signature Typed or printed name</p> <p><u>(713) 468-8880</u> Telephone number</p> <p><u>December 2, 2005</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

<input checked="" type="checkbox"/>	*Total of <u>2</u> forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Kosei Yamamoto

Serial No.: 10/689,325

Filed: October 20, 2003

For: Construction for Exhaust
Emission Control

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Art Unit: 3748

Examiner: Tu Minh Nguyen

Docket: SZK.0021US
1353-US

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant seeks pre-appeal review of the rejections of claims 13 and 14 under Section 102 over Hayashi.

**A. The Difference Between the Claimed Invention
and Hayashi et al. (U.S. Patent No. 4,916,897)**

Claim 13 recites: "said electrically heated catalyst portion is formed so as to surround the outer peripheral surface of said exhaust gas flow path pipe which passes through said electrically heated catalyst portion in order to warm the exhaust gas in said exhaust gas flow path pipe."

In the claimed invention, the exhaust gas flow path pipe (22) passes through the electrically heated catalyst portion (10) as shown in Figures 2 and 3 of the present specification. That is, the electrically heated catalyst portion is provided so as to surround the exhaust gas flow path pipe.

Date of Deposit: December 2, 2005

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In contrast, although Hayashi comprises a U-turn construction, only the exhaust gas passes through the electric heater 75, but the exhaust gas pipe does not pass through the electrically heated catalyst portion as claimed.

B. The Characteristics of the Claimed Invention

When the catalyst is warmed by electrical heat, the exhaust gas flow path pipe surrounded by the electrically heated catalyst portion can be also warmed. Thus, if the temperature of the exhaust gas is low downstream away from the engine, its temperature can be raised to a level appropriate for exhaust emission control in advance by the exhaust gas passing through the exhaust gas flow path pipe surrounded by the electrically heated catalyst portion.

Then, the exhaust gas emitted from the exhaust gas flow path pipe flows back and passes through the catalyst portion which has been electrically heated to an activating temperature so that the exhaust gas is controlled.

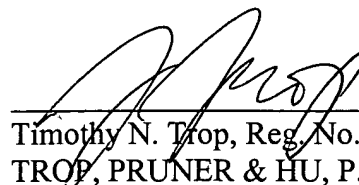
In the claimed invention, therefore, the exhaust gas can be warmed in advance without providing a means for heating the exhaust gas prior to control. In other words, the first time the exhaust gas passes through the electrically heated catalyst portion via the outer peripheral surface of the exhaust gas flow path pipe in order to be heated and the second time the exhaust gas emitted from the exhaust gas flow path pipe flows back and passes through the electrically heated catalyst portion in order to be controlled.

Since the exhaust gas is heated via the exhaust gas flow path pipe, the heat can be conducted over the greater extent of the exhaust gas flow path pipe since the pipe itself conducts heat along its length. Thus, sufficient heating performance can be obtained, compared to the case in which the exhaust gas is warmed when the gas itself is passing through the electrically heated catalyst portion.

The above features are not disclosed in Hayashi.

Respectfully submitted,

Date: December 2, 2005



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